

REMARKS

Claims 14-28 are pending in this application. Claims 1-13 and 29-34 were canceled. Claims 14, and 16-28 are previously presented. Claim 15 is original. No new matter is added. Claims 14-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0000026 to Richard F. Gladney (hereinafter, "Gladney"). Applicants hereby traverse the rejections and respectfully request reconsideration in view of the remarks set forth below.

The Office Action improperly asserts Gladney as a §102(e) reference to reject claims 14-28 because both Gladney and the present application have the same inventive entity. 35 U.S.C. §102(e) requires the prior reference to be an application or a patent by "another." "Another" means other than applicants, *In re Land*, 368 F.2d 866, 151 USPQ 621 (CCPA 1966), in other words, a different inventive entity. *MPEP* §2136.04. The inventive entity is different if not all inventors are the same. *Id.* (citing *Ex parte DesOrmeaux*, 25 USPQ2d 2040 (Bd. Pat. App. & Inter. 1992)). The inventive entity in Gladney is solely "Richard F. Gladney; the inventive entity in the present application is also solely Richard F. Gladney. The sole inventors in each of Gladney and the present application are identical. Therefore, Gladney cannot be used under §102(e) to reject claims 14-28. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102(e) rejections of claims 14-28.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

We believe that we have appropriately provided for the fees due in connection with this submission. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P02-099 from which the undersigned is authorized to draw.

Dated: November 3, 2008

Respectfully submitted,

By 
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